

ZB# 03-35

Armando Paliotta

78-11-9.1

ZBA #03-35 ARMANDO PALIOTTA
AREA - 9 GUERNSEY DR. 78-11-9.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 9/8/03

562-3711

P.H. 9/8/03

New Address:

Armando & Jean Paliotta
1021 Forest Glen

New Windsor, N.Y. 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 19, 2003

**APPLICANT: ARMANDO PALIOTTA
9 GUERNSEY DR
NEW WINDSOR, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/12/2003

FOR : ARMANDO PALIOTTA

LOCATED AT: 9 GUERNSEY DR.

ZONE: CL Sec/Blk/ Lot: 78/11/9.1

DESCRIPTION OF EXISTING SITE: SECTION 78 BLOCK 11 LOT 9.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**1. EXISTING ATTACHED REAR POOL DECK DOES NOT MEET MINIMUM REAR YARD
SET-BACK OF 40'.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: E-1

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40'

17' 6"

22' 6"

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-0695

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ARMANDO + JEAN PALIOTTA

Address 9 GUERNSEY DRIVE NEW WINDSOR, NY Phone # (845) 581-3546

Mailing Address SAME AS ABOVE Fax # 845 589-8589

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder DNAER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of Gurney Drive
(N, S, E or W)
and at corner of feet from the intersection of Dairy Lane

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ✓

3. Tax Map Description: Section 78 Block 11 Lot (142) 9.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing REAR Deck

6. Is this a corner lot? YES

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee part of ck 5531

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krysheer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Amante A. Palumbo
(Signature of Applicant)

9 Greenway Dr. New Windsor NY 12553
(Address of Applicant)

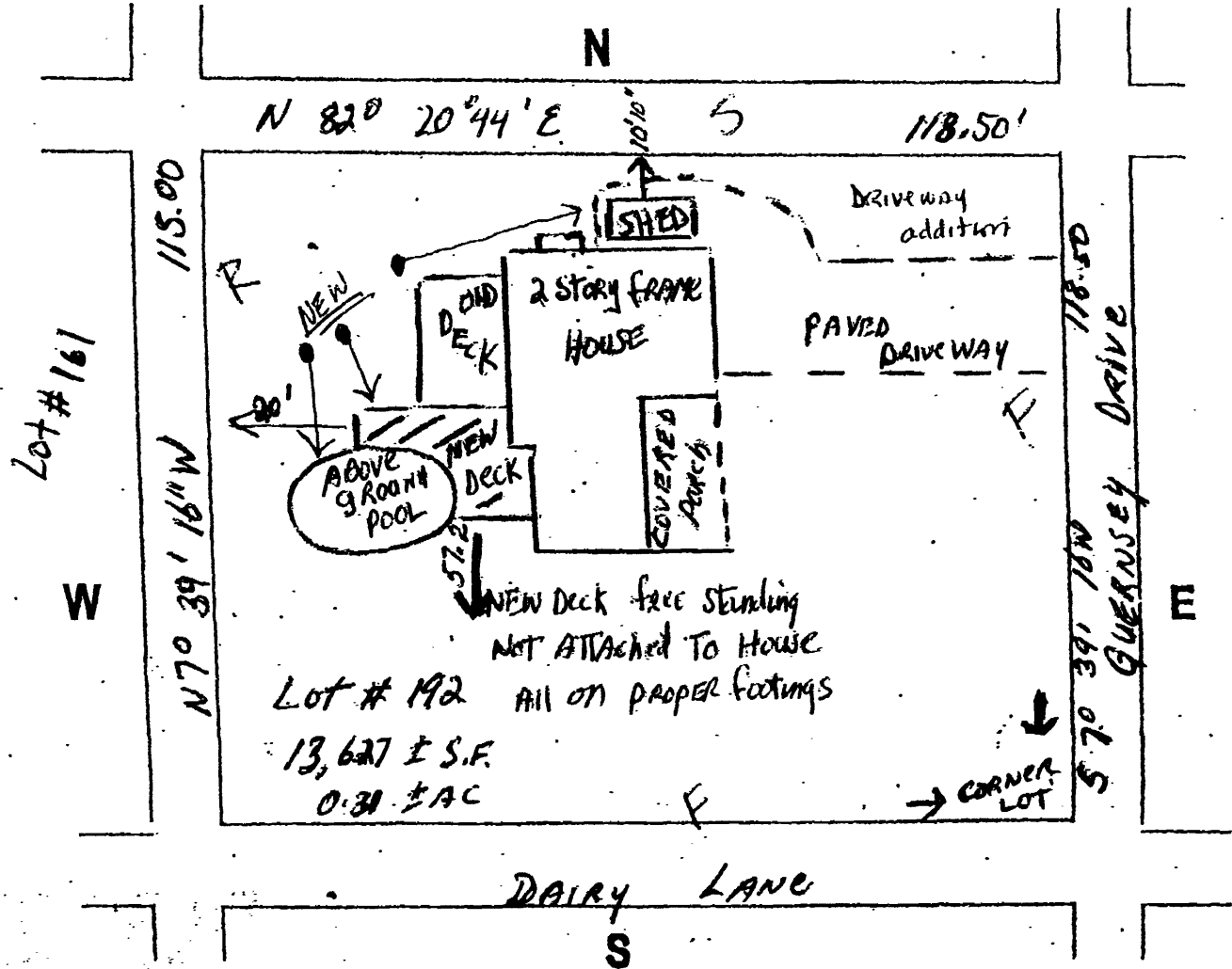
Amante A. Palumbo
(Owner's Signature)

9 Greenway Dr. New Windsor, NY 12553

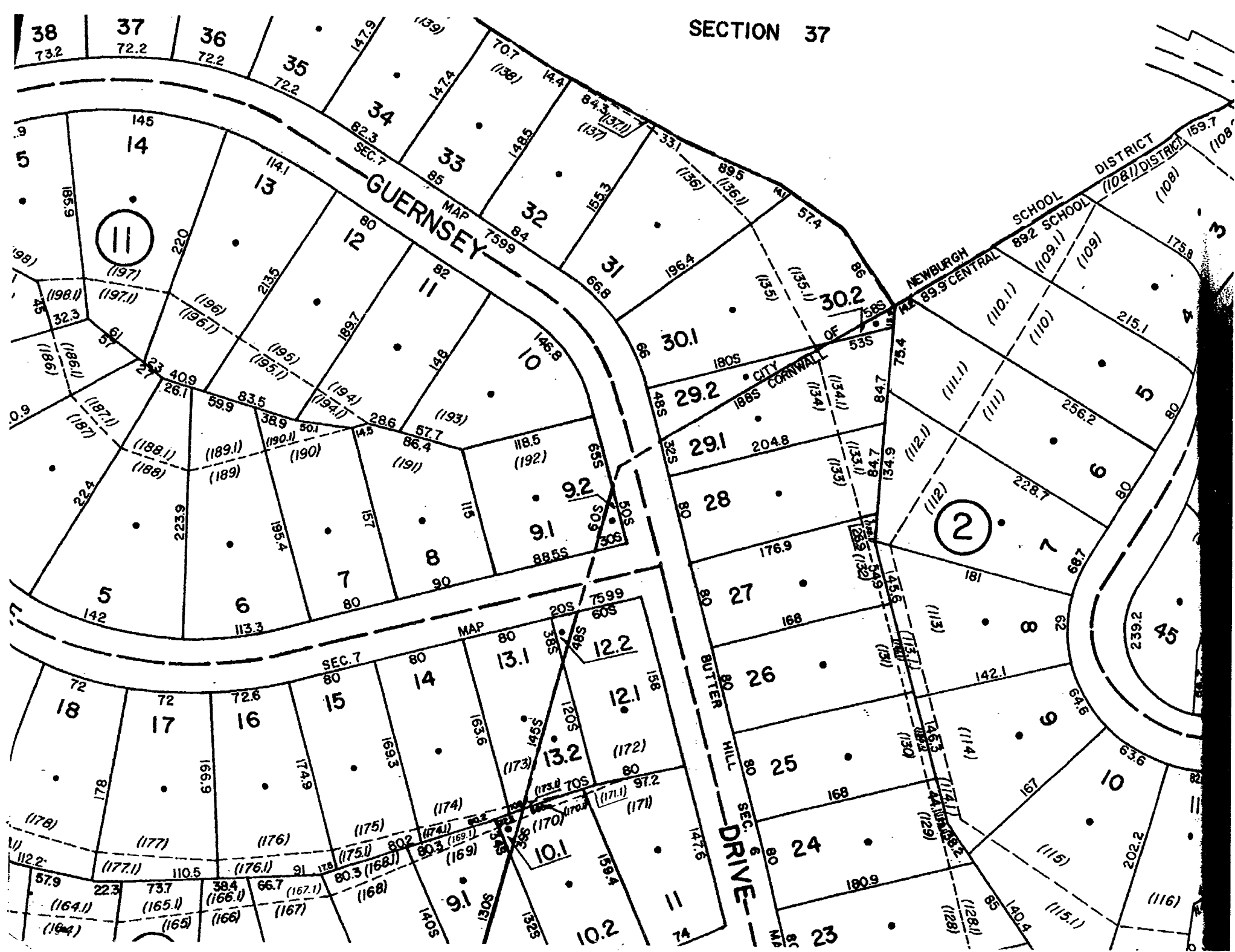
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 37



282

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: August 1, 2003

**APPLICANT: Armando & Jean Paliotta
9 Guernsey Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/1/03

COPY

FOR : Existing Shed

LOCATED AT: 9 Guernsey Drive

ZONE: CL Sec/Blk/ Lot: 78-11-9.1

DESCRIPTION OF EXISTING SITE: 78-11-9.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing shed does not mee minimum 10ft. side yard set-back.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: 48-14-A-1-B Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

10'

1'

9'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-0696

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ARMANDO A. PALIOTTA & JEAN PALIOTTA

Address 9 GUERNSEY DRIVE New Windsor NY Phone # 845-561-3546

Mailing Address NAME AS ABOVE Fax # 845-569-8569

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of GUERNSEY DRIVE
(N, S, E or W)
and Corner of feet from the intersection of DAIRY LANE.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 78 Block 11 Lot 9.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing SHED.

6. Is this a corner lot? YES

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00 part of 5531

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4685 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
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APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Amando R. Palotto
(Signature of Applicant)

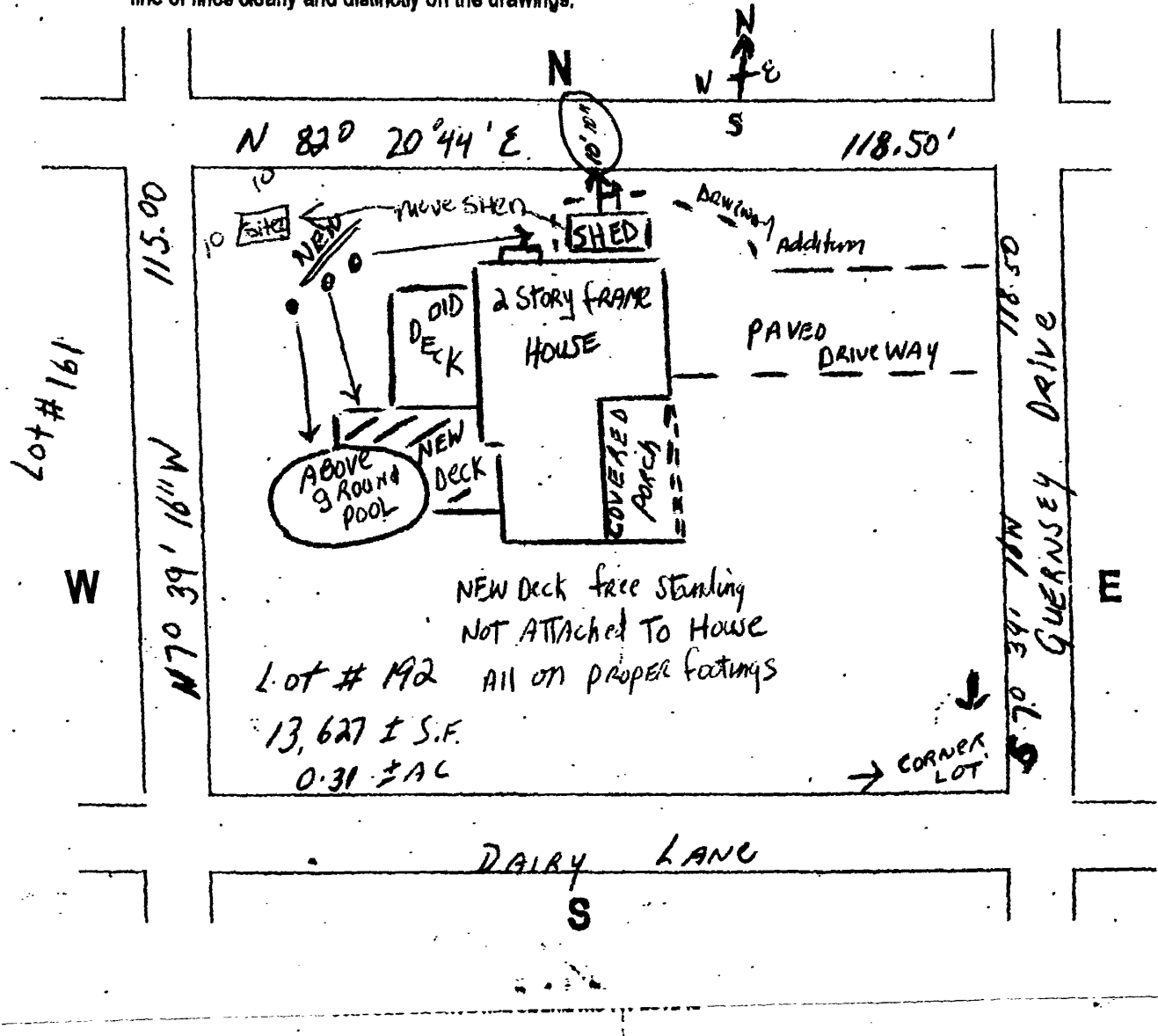
9 Guernsey Dr. New Windsor, N.Y. 12553
(Address of Applicant)

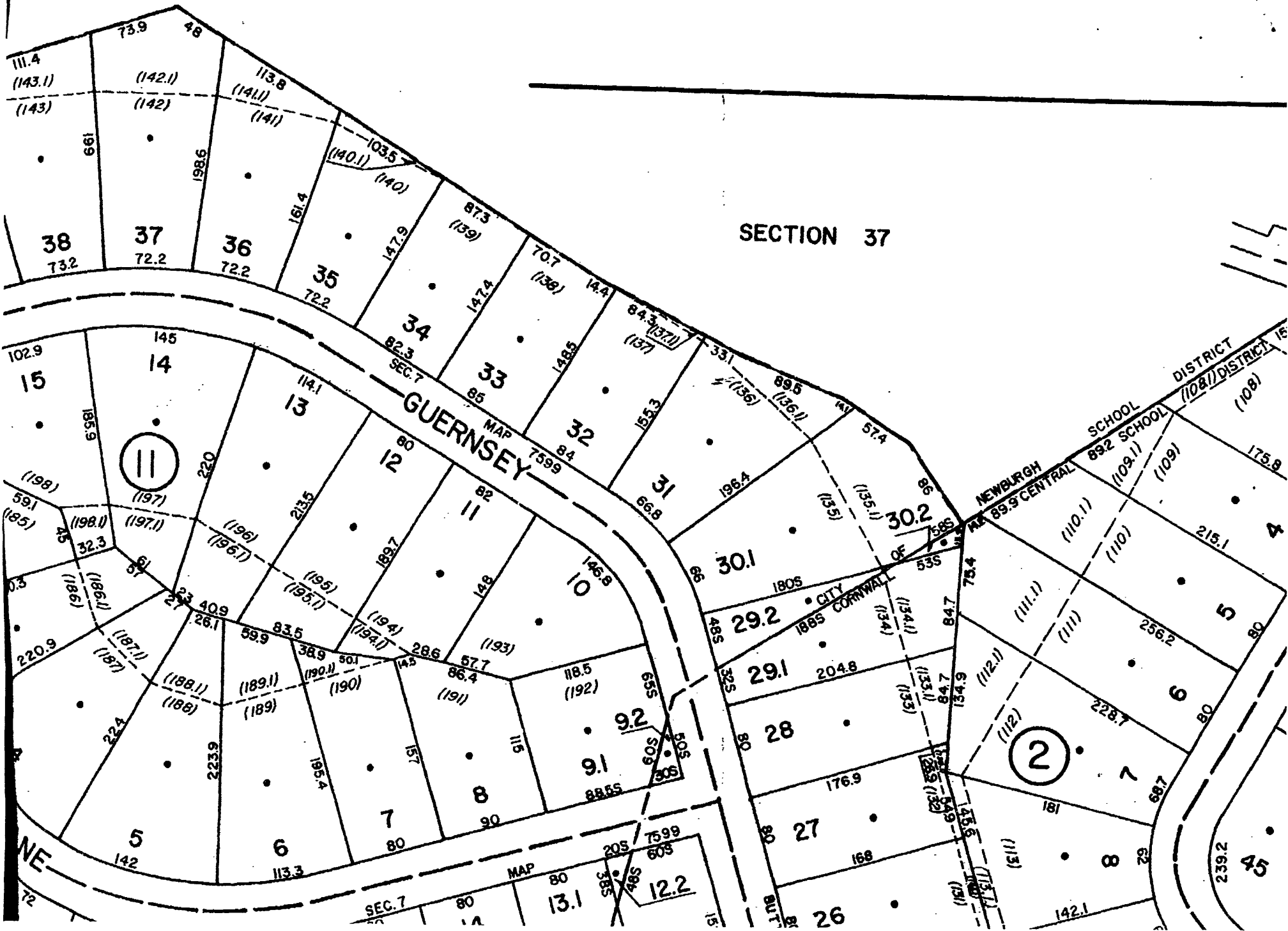
Amando R. Palotto
(Owner's Signature)

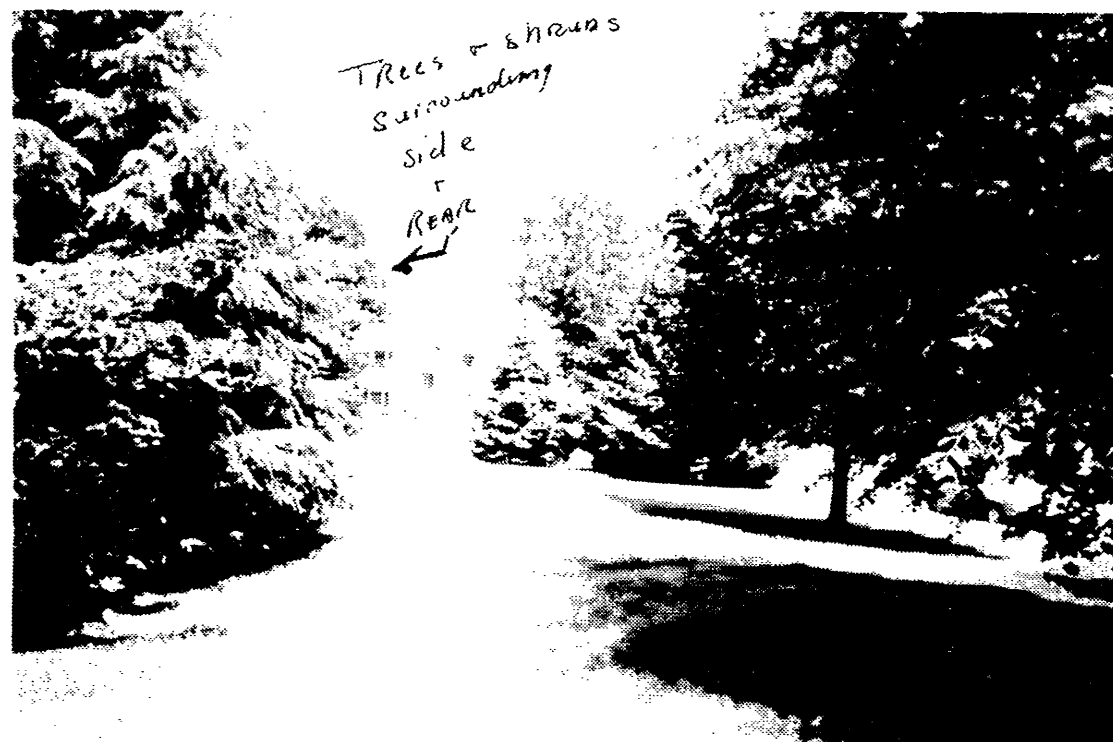
9 Guernsey Dr. New Windsor, N.Y. 12553

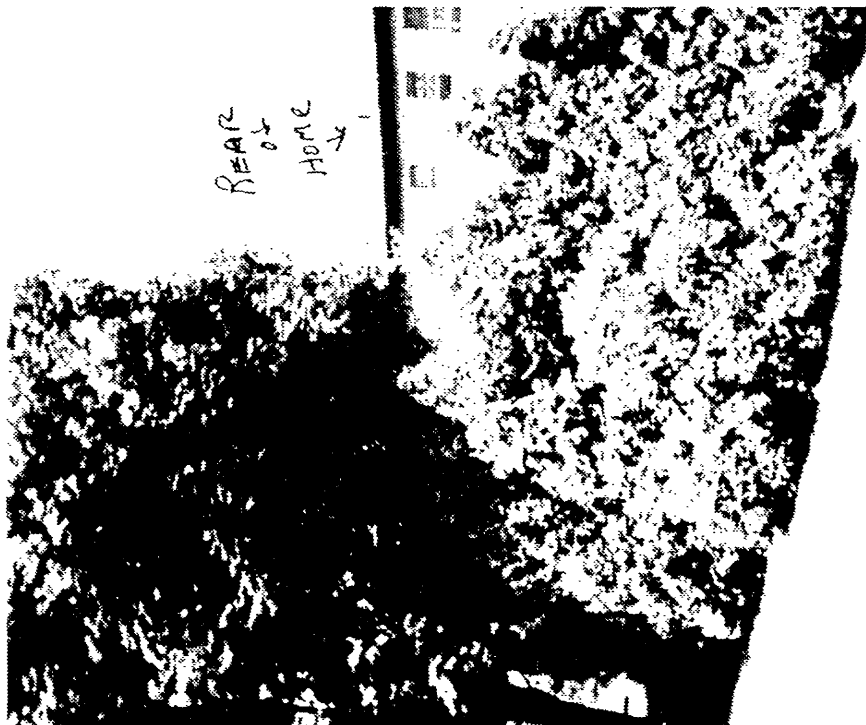
PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



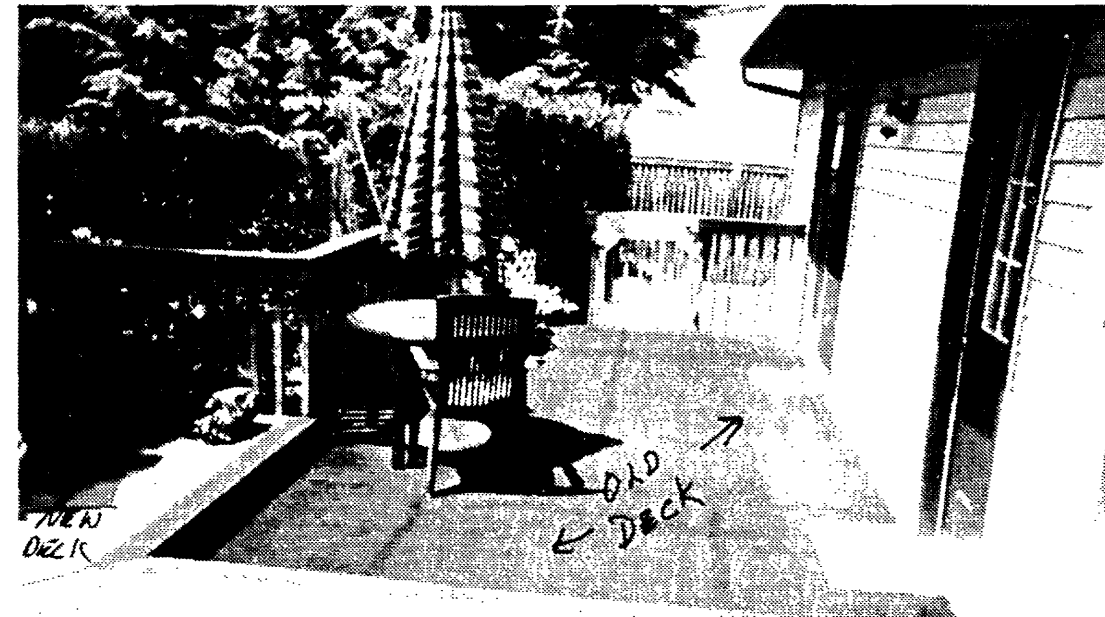








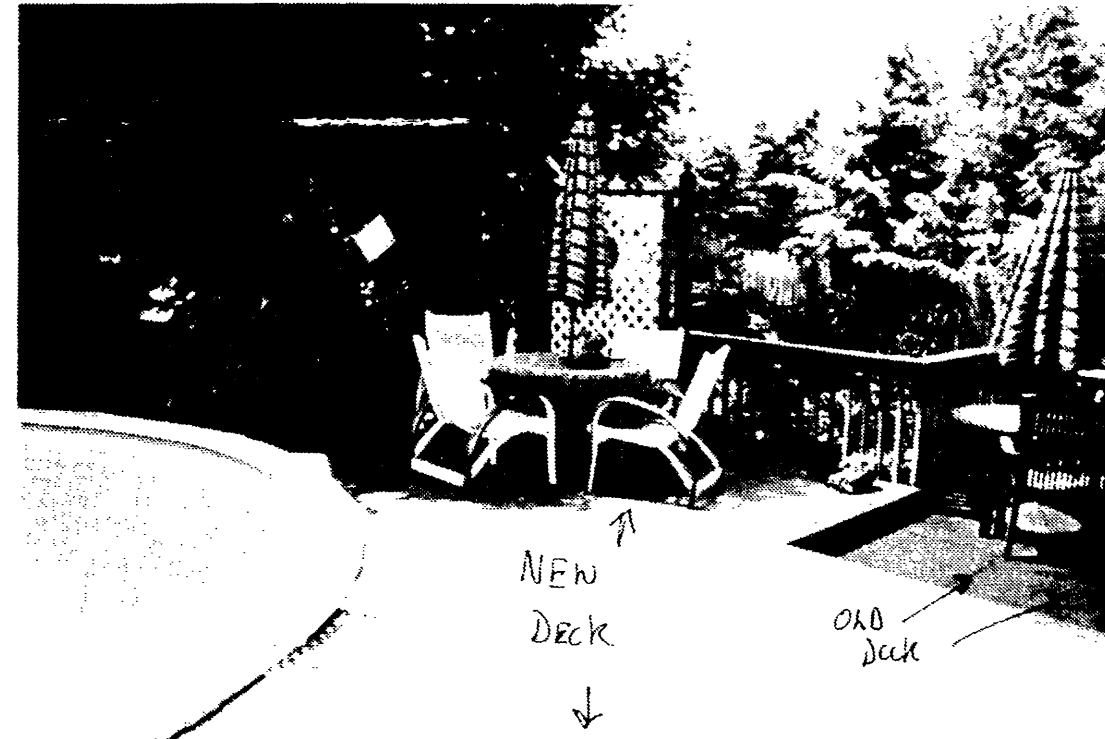
NEW
DECK ADD ON



NEW DECK NOT ATTACHED TO HOME →



NEW ADD ON
FROM OLD DECK
↓ ↓



NEW
DECK
↓

OLD
DECK
→

CORNER
+ SIDE VIEW



SIDE of House
Pool + back
NOT visible





Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

January 8, 2004

Mr. & Mrs. Armando Paliotta
1021 Forest Glen
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-35

Dear Mr. & Mrs. Paliotta:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 78-11-9.1

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ARMANDO & JEAN PALIOTTA

AREA

CASE #03-35

WHEREAS, Armando & Jean Paliotta, owner(s) of 9 Guernsey Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 22 ft. 6 in. Rear Yard Setback for existing attached pool deck and; 11 ft. Side Yard Setback for existing shed

WHEREAS, a public hearing was held on September 8, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property is located on the corner of two road intersections, although it appears visually to have only one front yard.
 - (c) The deck has been in existence for ten - twelve years.

- (d) The shed has been in existence for approximately five years.
- (e) The applicants have owned the property for approximately eighteen years.
- (f) There have been no complaints, either formal or informal, about the shed or deck. The pool has been existence since the house was built.
- (g) Neither the building of the deck or the shed created any water hazards or runoffs, any diversion of water drainage or the ponding or collection of water.
- (h) Neither the pool or the deck is erected over the top of any easements, including water or sewer easements.
- (i) No trees or substantial vegetation were removed for either the construction of the deck or the shed. The applicant placed a line of trees around the back of the property.
- (j) Neither the deck or the shed can be seen from the street or other properties.
- (k) The shed and deck are similar in size and appearance to other sheds and decks in the neighborhood. The shed replaces a previous shed which was in violation of the law. The shed is placed in the most advantageous location feasible for this particular property.
- (l) There is an exit from the house directly onto the deck. A person exiting the house would be likely to sustain serious physical injury if the deck were not located.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

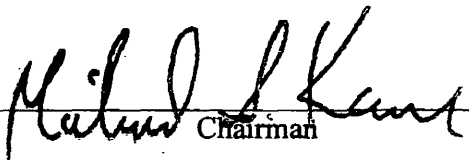
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 22 ft. 6 in. Rear Yard Setback for existing attached pool deck and; 11 ft. Side Yard Setback for existing shed as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 8, 2003


Chairman

PUBLIC HEARINGS:

ARMANDO & JEAN PALIOTTA (#03-35)

Mr. and Mrs. Armando Paliotta appeared before the board for this proposal.

MR. KANE: Request for 22 ft. 6 in. rear yard setback for existing attached pool deck, 11 ft. side yard setback for existing shed all at 9 Guernsey Drive in a CL zone. Okay, tell us what you want to do.

MRS. PALIOTTA: We were here for the preliminary meeting which I believe was last month, we're looking for a variance from the town on our deck, actually the pool deck and a shed.

MR. PALIOTTA: We have, it was explained last time we have a corner, nice piece of land, but it's a corner property and it forced me to, you know, ask for a variance.

MR. KANE: So on a corner piece of property you have two front yards?

MRS. PALIOTTA: Exactly.

MR. KANE: How long has the deck been existing?

MR. PALIOTTA: I'm just guessing, seems like for like 10 to 12 years, I'm not sure.

MR. KANE: What about the existing shed?

MR. PALIOTTA: The shed's kind of new, me and my wife are debating, she says a few years, I'm saying five years, we've got to write stuff down.

MR. KANE: She's always right.

MR. KRIEGER: How long have you owned the property?

MRS. PALIOTTA: Sixteen years, I think.

MR. PALIOTTA: Eighteen years. There we go.

MR. KANE: She's always right.

MR. KRIEGER: Is the pool built during the time you owned the property or was it there when you acquired it?

MR. PALIOTTA: It was a brand new house, yes.

MR. KANE: Create any water hazards or runoffs in the building of the deck?

MR. PALIOTTA: No, not at all.

MR. MC DONALD: Doesn't go over any kind of easements or anything like that, water or sewer?

MR. PALIOTTA: No, we sit up high on the corner and we have like a 45 degree angle all the way down.

MR. KANE: Cutting down of any trees or substantial vegetation to create either one?

MR. PALIOTTA: I placed very expensive trees around the whole perimeter of the back so like neighbors and for our privacy.

MR. KANE: But you didn't cut anything down?

MR. PALIOTTA: No, no.

MR. KANE: A lot of little bases we have to cover.

MR. MC DONALD: Never had any complaints about the deck or anything?

MR. PALIOTTA: No.

MRS. PALIOTTA: Absolutely not.

MR. PALIOTTA: I enclosed pictures to show the privacy, you can't see it from the street or, you know, the neighbors have a hard time seeing it too.

MR. KANE: Shed itself is similar in size to other sheds?

MR. PALIOTTA: Yes, standard shed 8 x 12.

MR. REIS: What brings you to the ZBA after these many years?

MRS. PALIOTTA: We're in the process of selling our home and yeah, you know, obviously years ago no one told us that we needed one and we asked advice obviously to the wrong people, especially the people that put the deck together, not realizing that we'd need a permit.

MR. PALIOTTA: The person putting on the deck he had a small construction company and we were from Long Island and he told us that as long as it wasn't attached to the house because I wanted it like right near the back of the house, like one step up from the other deck and he says as long as it's freestanding, not actually attached to the house you don't need permits, it's a freestanding, so I said that's good.

MR. KANE: I built my deck at 10 and I found out my development is 12 so we all go through it. At this point, I will ask if there's, I will open up the public portion and ask if anybody in the audience is here for this particular meeting? Seeing nobody, we'll close the public portion and ask about the mailings.

MS. MASON: On August 19, 2003, 67 addressed envelopes containing the public hearing notice were mailed out.

MR. REIS: Any responses?

MS. MASON: No, no responses.

MR. KANE: Bring you back to the board. Gentlemen, any further questions?

MR. REIS: Accept a motion, Mr. Chairman?

MR. KANE: Is there any reason the shed has been there for five to six years, is there any reason the shed couldn't be moved?

MR. PALIOTTA: I'm sorry? No, the shed was, the shed was in a great place, the shed was like a third car garage like near the driveway and then it was explained to me that even if I went for the variance there which was further from my neighbor's property, they said I was breaking a State, a new State regulation where it had to be 6 feet from my house, so I couldn't leave it where it always was, it was always in violation.

MR. KANE: So no matter where you moved it to a degree you would run into a problem?

MR. PALIOTTA: The only place is at the center of the only little patch of the grass I have in the back yard.

MR. KANE: All right, thank you. Do you have a door coming off the back of your house onto the deck?

MR. PALIOTTA: Yes.

MR. KANE: If the deck wasn't there, it would be a safety hazard?

MR. MC DONALD: Somebody would fall?

MR. PALIOTTA: Let me explain, I'm not sure I know what you mean.

MR. KRIEGER: How far off the ground?

MRS. PALIOTTA: The old deck has the door, the new deck there's no door.

MR. KRIEGER: How far off the ground is the old deck?

MR. PALTRIDGE: About 3 feet.

MR. KANE: If somebody walked out the door and there was no deck, they would fall approximately 3 feet?

MR. PALIOTTA: Yes.

MR. KRIEGER: Likely sustain serious injury?

MR. PALIOTTA: Right.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we approve the Paliotta's requested variances for the rear yard setback and the side yard setback for their existing shed at 9 Guernsey Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: SEPTEMBER 12, 2003
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 180.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-35

NAME: ARMANDO PALIOTTA

ADDRESS: 9 GUERNSEY DRIVE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

L.R. 9-12-03



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-35 TYPE: AREA

APPLICANT:
ARMANDO PALIOTTA

TELEPHONE: 561-3546

RESIDENTIAL:	\$ 50.00	CHECK #5548
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW: RESIDENTIAL \$300.00 CHECK #5549

* * * * * * * * * * * * *

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$4.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>6</u> PAGES	\$ <u>27.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>5</u> PAGES	\$ <u>22.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
TOTAL:		\$ <u>49.50</u>	\$ <u>70.00</u>

* * * * * * * * * * * * *

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 119.50

AMOUNT DUE: \$

REFUND DUE: \$ 180.50

L.R. _____

PRELIMINARY MEETINGS:

ARMANDO & JEAN PALIOTTA (#03-35)

Mr. and Mrs. Armando Paliotta appeared before the board for this proposal.

MR. KANE: Request for 22 ft. 6 in. rear yard setback for existing attached pool deck, 9 ft. side yard setback for existing shed all at 9 Guernsey Drive in a CL zone. Just tell us what you want to do and speak loud enough so Fran can hear you.

MR. PALIOTTA: I want to get the existing deck that we have there now approved. And I've been in contact with your office and they gave me guidelines and I have carpenters ready to make it all right. The shed we had to move and Mr. Lissi came and measured and told me to apply for a variance which we're here now doing.

MR. KANE: Do you need a 22 foot six inch rear yard setback for the existing pool deck? How long has the deck been up?

MR. PALIOTTA: Ten years.

MR. KANE: Are you adding to that deck?

MR. PALIOTTA: No.

MR. KANE: In this diagram would that be the new deck right there we're talking about added to the old deck?

MR. PALIOTTA: Right, the old deck and this is, this isn't attached to the house, we were told if it was freestanding we made a mistake, it's not attached to the house, we learned the hard way.

MR. KANE: Similar to other decks in Butterhill?

MR. PALIOTTA: Okay.

MR. KANE: Mike, we had a question on the 9 foot side yard setback?

MR. BABCOCK: Yeah, I have a note here, move shed, the shed's been moved to the corner of the property?

MR. PALIOTTA: Yes, I was, first I was told to go for a variance where it was and then he explained about a state variance which is 6 feet so I moved it 6 feet to the side of the house, a little over 6 feet, 6 feet 4 inches.

MR. BABCOCK: How far is it from the property line?

MR. PALIOTTA: A foot.

MR. BABCOCK: It's one foot.

MR. KANE: Cause we're showing ten, ten right here that was our confusion so you're one foot from the back and the side?

MR. PALIOTTA: One foot from the side.

MR. BABCOCK: The rear is fine.

MR. PALIOTTA: The reason for that, like I said, he said go with what you got, cause I was getting rid of the shed and he said no, go for the variance, I said okay, that's great and then in the interim, he called back and said there's a state variance that you have to go for but he couldn't guarantee me how long it would take, so I moved it.

MR. BABCOCK: So it's now 6 foot from the--

MR. PALIOTTA: It's over 6 foot, I know he took the exact measurements a couple weeks or one week ago.

MR. BABCOCK: So the requirements are 12, you're providing 6, so you need 6?

MS. MASON: What's that, Mike?

MR. KANE: On the existing shed for the side yard setback so instead of 9--

MR. BABCOCK: The requirements are 12, Frank's got down ten. In every part of the Town the requirement for a shed is ten feet. In Butterhill, the requirement is 12 foot. There was a special condition when Butterhill was built that they had 12 foot side yards. Every other place in ten is, ten foot, so it's a common mistake, so we can just make that correction, he's 6 foot off the property line so that he doesn't have to worry about the State Code.

MR. KANE: With your permission, we'll change that.

MR. PALIOTTA: Yes, but, sorry, but you said 6 foot off the property line, that's wrong, right, it's a foot off the property line.

MS. MASON: So he's asking for 11 feet.

MR. KANE: You move the shed, we're all right on the back. How many feet off of the side are you?

MR. PALIOTTA: I moved it one foot from my neighbor's fence and over 6 feet from the, there's a piece that comes out the chimney and it's just in line with that, I should of moved it another inch.

MR. REIS: Is this the current location of it?

MR. PALIOTTA: No, it's back here now, this is where he wanted me to do it with the variance and that would be over ten feet from the neighbor and he explained that cause it has to be 6 feet from the house you might as well move it a foot from the property line and leave it 6 foot from the house.

MR. REIS: He's looking for 11 foot side yard.

MR. KANE: With your permission, we'll change the application to read 11 foot side variance.

MR. PALIOTTA: Okay.

MR. KANE: The size of the existing shed is similar to other sheds in the neighborhood?

MR. PALIOTTA: Yes, it's exactly 8 x 12.

MR. KANE: And any creation of water hazards, runoffs?

MR. PALIOTTA: No.

MR. KANE: With either the deck or the shed?

MR. PALIOTTA: No.

MR. KANE: Any complaints formally or informally with the shed or the deck?

MR. PALIOTTA: No and that's why I had sent pictures to even show that the whole property's covered with trees, they can't see the pool and the deck and now they can see the shed from one side from Guernsey Drive.

MR. KANE: Just so everybody in the audience understands, too, in New Windsor, we do the preliminary hearings so you get an idea of what we need to hear from you and what will be required from you in the public hearing. All decisions must be made by a public hearing. Some towns have you walk in, boom, that's it, and if you don't have the right information, you lose. So we do that with a preliminary up here so you'll be repeating the same thing going through the same type of questions during the public hearing. Okay?

MR. PALIOTTA: Okay.

MR. KANE: About ten years on the deck, about ten years old and the shed has been existing for how long, approximately?

MR. PALIOTTA: About 6 years.

MR. KANE: And is there any way to move the shed since it's been relocated over there so that you wouldn't need a variance, a side yard variance?

MR. PALIOTTA: Okay, I have a corner lot and I'm restricted because the side of my property which is like a football field is also considered like a front lawn, so with the pool and the deck and the add on, I'm selling the house, I have buyers, they love it, it's perfect, if I put the shed the only legal place the whole back yard is gone.

MR. KANE: Fair enough. Those are the types of questions you'll be asked. Gentlemen?

MR. REIS: Yes, is that the reason for you coming in because you're selling the property?

MR. PALIOTTA: Oh, no, no, I really found out about all these restrictions and we were thinking about selling and we were going to go through it and then she decided to live in New Windsor, go to Forest Glen which was pretty recent decision so definitely we wanted to jump on it much sooner, I didn't think I'd be moving this fast going into a bigger house.

MR. RIVERA: No questions.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I move that we set up Armando and Jean Paliotta for a public hearing for their requested variances, rear yard setback of 22.6 and side yard setback of 11 foot.

MR. RIVERA: Second it.

August 11, 2003

8

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE



RESULTS OF Z.B. MEETING OF: September 8, 2003

PROJECT: Armando Paliotta ZBA # 03-35
P.B.# _____



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
MINUTA _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: M) R S) M VOTE: A 5 N 0.

RIVERA A
MC DONALD A
REIS A
MINUTA A
KANE A

CARRIED: Y ☒ N _____.

Correx Property - 2 Front Yards

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

In the Matter of the Application for Variance of

ARMANDO & JEAN PALIOTTA

AFFIDAVIT OF SERVICE BY MAIL

#03-35

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 19TH day of AUGUST, 2003, I compared the 67 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

19th day of August, 2003


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-35

Request of ARMANDO & JEAN PALIOTTA

for a VARIANCE of the Zoning Local Law to Permit:

**Request for: 22 ft. 6 in. Rear Yard Setback for existing attached pool deck and;
11 ft. Side Yard Setback for existing shed**

**being a VARIANCE of Section 48-14-A-1-B AND BULK TABLES: CL - USE
E-1 AND**

for property located at: 9 GUERNSEY DRIVE - NEW WINDSOR, NY

known and designated as tax map Section 78 Block 11 Lot 9.1

**PUBLIC HEARING will take place on SEPTEMBER 8TH, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

July 24, 2003

Armando & Jean Paliotta
9 Guernsey Drive
New Windsor, NY 12553

Re: 78-11-9.1 ZBA#03-35

Dear Mr. & Mrs. Paliotta:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

37-1-54 Forge Hill Associates C/o Garnet Management 333 North Broadway Jericho, NY 11753	78-2-9 James Flanagan Patricia Ena 16 Buttermilk Drive New Windsor, NY 12553	78-2-30.1 & 78-2-30.2 Michael & Susan Klumack 22 Guernsey Drive New Windsor, NY 12553
37-1-55 Paul & Valarie Kahan 183 Caesars Lane New Windsor, NY 12553	78-2-10 Daniel & Joyce Dickens 18 Buttermilk Drive New Windsor, NY 12553	78-2-31 Gary & Susan Corbett 24 Guernsey Drive New Windsor, NY 12553
37-1-56 Barney & Noreen McKiernan 181 Caesars Lane New Windsor, NY 12553	78-2-22 Andrew & Jean Marie Faraone 6 Guernsey Drive New Windsor, NY 12553	78-2-32 Robert & Zoraida Marquez 26 Guernsey Drive New Windsor, NY 12553
78-1-45 Patrick Griffin PO Box 4006 New Windsor, NY 12553	78-2-23 Carlos Jr. & Paula Castro 8 Guernsey Drive New Windsor, NY 12553	78-2-33 Herbert & Hartencia Norman 28 Guernsey Drive New Windsor, NY 12553
78-2-3 Robert & Darlene Riccardi 4 Buttermilk Drive New Windsor, NY 12553	78-2-24 John & Mary Finn 10 Guernsey Drive New Windsor, NY 12553	78-2-34 Louis & Barbara Hauser 30 Guernsey Drive New Windsor, NY 12553
78-2-4 Enzo & Ryo-Sun Polimeni 6 Buttermilk Drive New Windsor, NY 12553	78-2-25 Richard & Kathleen Mills 12 Guernsey Drive New Windsor, NY 12553	78-2-35 James Manigault 32 Guernsey Drive New Windsor, NY 12553
78-2-5 Anthony & Elaine Colonna 8 Buttermilk Drive New Windsor, NY 12553	78-2-26 Robert & Margaret Ippolito 14 Guernsey Drive New Windsor, NY 12553	78-2-36 Jose Rivera Jr. 34 Guernsey Drive New Windsor, NY 12553
78-2-6 John & Cheryl Terribile 10 Buttermilk Drive New Windsor, NY 12553	78-2-27 Annmarie Nicholson 16 Guernsey Drive New Windsor, NY 12553	78-2-37 Joseph & Joyce D'Alo 36 Guernsey Drive New Windsor, NY 12553
78-2-7 Wayne & Maria Soltis 12 Buttermilk Drive New Windsor, NY 12553	78-2-28 Francisco & Griselda Espinal 18 Guernsey Drive New Windsor, NY 12553	78-2-38 David Lucas 38 Guernsey Drive New Windsor, NY 12553
78-2-8 Frank & Barbara Macri 14 Buttermilk Drive New Windsor, NY 12553	78-2-29.1 & 78-2-29.2 Kenzie & Carline Fabre 20 Guernsey Drive New Windsor, NY 12553	78-6-13 William & Linda Farrell 301 Butternut Drive New Windsor, NY 12553

78-6-14
Dominick & Janice Bumbaco
303 Butternut Drive
New Windsor, NY 12553

78-6-15
Lorraine & Dennis Sr. Uhlmann
305 Butternut Drive
New Windsor, NY 12553

78-6-16.1 & 78-6-16.2
Michael & Virginia Travell
307 Butternut Drive
New Windsor, NY 12553

78-6-17.2
Christopher & Christine Trieste
309 Butternut Drive
New Windsor, NY 12553

78-9-3
Michael & Sheila Brock
318 Butternut Drive
New Windsor, NY 12553

78-9-4
James & Dolores Davitt
316 Butternut Drive
New Windsor, NY 12553

78-9-5
Joseph & Maria Molina
314 Butternut Drive
New Windsor, NY 12553

78-9-6
Robert Dubee
312 Butternut Drive
New Windsor, NY 12553

78-9-7
Martin & Jean Cossavella
310 Butternut Drive
New Windsor, NY 12553

78-9-8.1 & 78-9-8.2
Marissa D'Angelo
Gregg Zwickel
308 Butternut Drive
New Windsor, NY 12553

78-9-9.1 & 78-9-9.2
John & Dana Miller
306 Butternut Drive
New Windsor, NY 12553

78-9-10.1 & 78-9-10.2
John & Diana Moynihan
304 Butternut Drive
New Windsor, NY 12553

78-9-11
Judith Farrell Verdeur
302 Butternut Drive
New Windsor, NY 12553

78-9-12.1 & 78-9-12.2
Andrew & Ildyko Rodriguez
201 Dairy Lane
New Windsor, NY 12553

78-9-13.1 & 78-9-13.2
Johnny Canals
Evelynn Velez
203 Dairy Lane
New Windsor, NY 12553

78-9-14
Mansour & Victoria Samadi
205 Dairy Lane
New Windsor, NY 12553

78-9-15
Dorothy Hatton
Ann Fitzgibbons
207 Dairy Lane
New Windsor, NY 12553

78-9-16
Mark & Ann Campbell
209 Dairy Lane
New Windsor, NY 12553

78-9-17
Amalia Fonzeca
211 Dairy Lane
New Windsor, NY 12553

78-9-18
John & Lisa Walsh
213 Dairy Lane
New Windsor, NY 12553

78-9-19
Gerard & Cheryl Walker
215 Dairy Lane
New Windsor, NY 12553

78-9-20
Alex & Lois Fulin
217 Dairy Lane
New Windsor, NY 12553

78-9-21
Michael & Maureen Busweiler
219 Dairy Lane
New Windsor, NY 12553

78-11-1
John & Susan Curtis
23 Guernsey Drive
New Windsor, NY 12553

78-11-2
Kelvin Hill
216 Dairy Lane
New Windsor, NY 12553

78-11-3
Yvon Olivier
Yolene Monchais Olivier
214 Dairy Lane
New Windsor, NY 12553

78-11-4
Carl & Margaret Gibson
212 Dairy Lane
New Windsor, NY 12553

78-11-5
David & Maureen Quinones
210 Dairy Lane
New Windsor, NY 12553

78-11-6
Victor & Milagros Lopez
208 Dairy Lane
New Windsor, NY 12553

78-11-7
Edward Kipp
206 Dairy Lane
New Windsor, NY 12553

78-11-8
Matthew & Julia Friezo
204 Dairy Lane
New Windsor, NY 12553

78-11-10
Neil & Katty Fernandez
11 Guernsey Drive
New Windsor, NY 12553

78-11-11
Carlo & Tina Maccharulo
13 Guernsey Drive
New Windsor, NY 12553

78-11-12
Michael & Maureen Spanakos
15 Guernsey Drive
New Windsor, NY 12553

78-11-13
Eugene & Karen Krolikiewicz
17 Guernsey Drive
New Windsor, NY 12553

78-11-14
David & Janet Winderbaum
19 Guernsey Drive
New Windsor, NY 12553

78-11-15
Kenneth & Susan Curry
21 Guernsey Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 07-21-2003 PROJECT NUMBER: ZBA# 03-35 P.B. # _____

APPLICANT NAME: ARMANDO & JEAN PALIOTTA

PERSON TO NOTIFY TO PICK UP LIST:

ARMANDO & JEAN PALIOTTA
9 GUERNSEY DRIVE
NEW WINDSOR, NY 12553

TELEPHONE: 561-3546

TAX MAP NUMBER: SEC. 78 BLOCK 11 LOT 9.1
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 9 GUERNSEY DRIVE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 5550

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

August 19, 2003

Armando Paliotta
9 Guernsey Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-35

Dear Mr. & Mrs. Paliotta:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

9 GUERNSEY DRIVE
NEW WINDSOR, NY

is scheduled for the September 8th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

8/19 Mailed



RESULTS OF Z.B.A. MEETING OF: August 11, 2003

PROJECT: Armando Palietta ZBA # 03-35
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

★ ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Reis S) Rivera VOTE: A 3 N 0
RIVERA A
~~MCDONALD~~ A
REIS A CARRIED: Y ✓ N
~~MINUTA~~ A
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA
MC DONALD CARRIED: Y N
REIS
MINUTA
KANE

Charge to ~~E~~ 11' side yard variance
Deck - approx 10 years old
Deck - six years



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

July 7, 2003

Armando Paliotta
9 Guernsey Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-35

Dear Mr. Paliotta:

This letter is to inform you that you have been placed on the August 11th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

9 Guernsey Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

ZBA # 03-35
Application
Fee

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#644-2003**

06/30/2003

**Paliotta, Armandon & Jean
6 Guernsey Drive
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees, on 06/30/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-30-03

FOR: 03-35 ESCROW

FROM: ARMANDO PALIOTTA

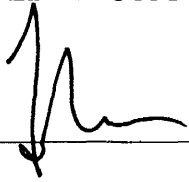
9 GUERNSEY DRIVE

NEW WINDSOR, NY 12553

CHECK NUMBER: 5549

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/1/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

June 30, 2003

Armando Paliotta
9 Guernsey Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-35

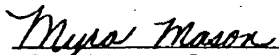
Dear Mr. Paliotta:

This letter is to inform you that you have been placed on the July 14th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

9 Guernsey Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6-24-03

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

ARMANDO + JEAN PALIOTTA

(Name)

9 GUERNSEY DRIVE NEW WINDSOR, NEW YORK, 12553

(Address)

Phone Number: (845) 562-3711
561-3546

Fax Number: (845) 569-8569

II. Purchaser or Lessee:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

III. Attorney:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: CL Property Address in Question: 9 GUERNSEY DRIVE NEW WINDSOR

Lot Size: 118.50' x 116.00' Tax Map Number: Section 78 Block 11 Lot 9.1

a. What other zones lie within 500 feet? ALL ONE FAMILY HOMES

b. Is pending sale or lease subject to ZBA approval of this Application? YES

c. When was property purchased by present owner? 6, JAN 1987

d. Has property been subdivided previously? NO If so, When: —

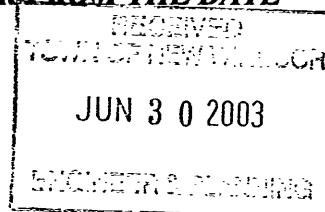
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? NO

******PLEASE NOTE:*******

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

03-35



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
<i>Shed</i> Reqd. Side Yd.	10'	1'	9'
<i>Deck</i> Reqd. Rear Yd.	40'	17'6"	22'6"
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

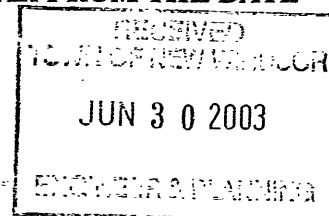
*Residential Districts Only

**Non-Residential Districts Only

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03-35



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Due To our corner lot Restrictions (Two front Properties)
There was so much property, but not enough to use. So we decided to add to our
present Deck + continue around an above ground pool. The deck was done in good taste
to add to the appearance of our back yard, surrounded by a row of expensive shrubs,
to accomplish complete privacy from the street and our rear neighbors. The deck gives
us access to the pool from our home without the need of unsightly ladders. The deck only
permits us to access the pool and not build an unsightly structure around the perimeter of
entire pool, as observed on many other properties throughout New Windsor + other neighboring
Towns, I hope the board grants us the opportunity to let the new owners
enjoy this area, as we have. The new owner is a Lt. Col. from West
Point with a wife + four children and can't wait to enjoy the back
yard. Pictures are enclosed to illustrate the privacy factor, and is no way
an eye-sore or a detriment to our neighborhood.
As a retired Deputy Chief of Environmental Police with NYC Dept of Sanitation, I can
honestly + professionally state that there are no environmental conditions or
adverse physical conditions resulting from this proposed variance.

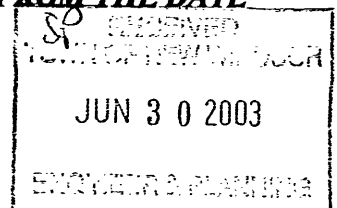
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Thank you
A. Paliotta + Jean Paliotta

(AP)

03-35



XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Our property is professionally landscaped front & back by Speranza landscaping. We have beautiful trees & shrubs throughout the property. Even though we are a corner lot, our rear yard is completely private. The pool & deck's can not be seen from the street. Our pool & new deck can not be viewed from rear neighbors.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
 - ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
 - ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

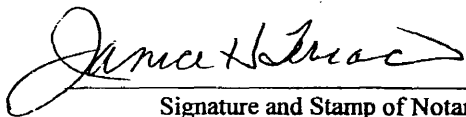
) SS.:

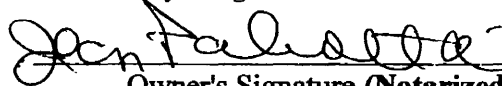
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

24th day of June 2003.


Signature and Stamp of Notary


Owner's Signature (Notarized)

Jean Dalio
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

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JANICE H. TERRACINO
Notary Public, State of New York
Qualified in County of Orange
No. 4831448
Commission Expires August 31, 192005

03-35

